

SENATE CHAMBER
AUSTIN, TEXAS, Monday, April 3, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Bell and Hertzberg.

Absent—excused—Senator Baker.

Prayer by the Chaplain.

Senator Fountain moved that the reading of the journal be dispensed with.

Senator Flanagan asked that the journal of the afternoon session of Friday, March 31, 1871, be corrected so as to show that he voted in the affirmative upon the final passage of House bill No. 163, "An act to incorporate the Austin Hook and Ladder Company No. 1, of the city of Austin," instead of in the negative, as reported in the journal.

There being no objection, the journal was corrected as requested.

Motion to dispense with reading of the journal carried, and the journal adopted as corrected.

PETITIONS AND MEMORIALS.

By Senator Mills: a petition from the citizens of the town of Fairfield, Freestone county, Texas, protesting against the passage of a bill to incorporate said town. Read and referred to Committee on Counties and County Boundaries.

Senator Pyle asked leave to withdraw Senate bill No. 253, a bill to be entitled "An act to incorporate the Trinity Navigation Company."

There being no objection leave was granted.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 240, "For the relief of B. S. Brame;" Senate bill No. 251, "To incorporate the Bryan Male and Female

Seminary;" Senate bill No. 284, "To incorporate Columbus Lodge No. 51, I. O. O. F.," and Senate bill No. 297, "To amend sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railway Company of Texas," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received.

The Secretary carried to the House for concurrence Senate bills Nos. 240, 251, 284 and 297.

COMMITTEE ROOM,
AUSTIN, April 8, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 287, "To provide for the permanent location of the county seat of Grimes county," find that said bill passed to engrossment with amendments which did not come to the hands of your committee with original bill. In the form in which it was received Senate bill No. 287 has been correctly engrossed.

G. T. RUBY,
P. W. HALL,
E. L. DOHONEY.

Report read and received.

On motion of Senator Ruby, the Committee on Engrossed Bills were authorized to copy the amendments to Senate bill No. 287 from the printed journals.

By leave, Senator Bowers presented a petition of the citizens of Hays county, praying for the prohibition of the sale of liquors in two miles of Live Oak Academy.

Also, a bill (Senate bill No. 311) to be entitled "An act to prohibit the sale of intoxicating and spirituous liquors within two miles of Live Oak Academy, in Hays county." Petition and bill read first time.

On motion of Senator Bowers, the rules were suspended, and Senate bill No. 311 read second time, ordered to be engrossed and passed to a third reading.

On motion of Senator Pyle, the rules were further suspended, and Senate bill No. 311 read third time and passed.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Education:

COMMITTEE ROOM,
AUSTIN, April 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Education, to whom was referred Senate bill No. 293, entitled "An act to incorporate the Marshall Female College," have had the same under careful consideration, and a majority of your committee instruct me to report it back to the Senate, with the accompanying amendments, and recommend that it do pass.

E. PETTIT, :
Chairman.

Amendments in section five: in lines one and two, strike out phrase "grant or;" in line four strike out "to" and insert word "on;" in line six strike out word "in" and insert word "by."

Read and laid over under the rules.

Under direction of the President the Secretary carried to the House for concurrence Senate bill No. 167, "An act to incorporate the Houston Cemetery Company;" No. 220, "An act to incorporate the Calvert and Belton Railroad Company;" No. 210, "An act to incorporate the San Gabriel Bridge Company;" No. 195, "An act to incorporate the Hempstead and West Liberty Air Line Railway Company;" No. 265, "An act to incorporate the Paris Real Estate and Banking Association," and No. 304, "An act authorizing T. M. Harwood and C. C. DeWitt, of Gonzales county, to construct a bridge across the Guadalupe river near the town of Gonzales, in Gonzales county."

Senate bill No. 30, "An act to incorporate the city of Rockport."

Senate bill No. 4, "An act to incorporate the Island City Gas Company."

Also, informing the House the Senate had passed the following House bills:

House bill No. 56, "An act for the relief Henry Kountz."

House bill No. 74, "An act to incorporate the Richland Bridge Company."

House bill No. 139, "An act to incorporate the Liberty County, Texas, Agricultural and Mechanical Association."

House bill No. 203, entitled "An act to incorporate the Indianola City Railroad Company."

House bill No. 266, "An act to incorporate the Widows' and Orphans' and Superannuated Preachers' Aid Society of the West Texas Conference of the M. E. Church South."

Also with amendments, House bill No. 3, "An act to incorporate the Alamo Literary Society of the city of San Antonio."

House bill No. 89, "An act to incorporate the Galveston Seamen's Home."

House bill No. 163, "An act to incorporate Austin Hook and Ladder Company No. 1, of the city of Austin."

House bill No. 400, entitled "An act to incorporate the town of Burnet, in Burnet county."

Senator Pickett submitted the following report and resolution of the Select Committee to whom was referred the communication from the House, informing the Senate of the impeachment of Wm. H. Russell, Judge of the Fifteenth Judicial District, of high crimes, misdemeanors and incompetency:

WHEREAS, The House of Representatives on the thirty-first day of March, A. D. 1871, by three of its members, Messrs. Lane, Schutze and Allen, at the bar of the Senate, impeached William H. Russell, Judge of the Fifteenth Judicial District, of high crimes, misdemeanors and incompetency, and informed the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him and make good the same, and likewise demanded that the Senate take order for the appearance of the said William H. Russell, to answer the said impeachment; therefore

Resolved, That the Senate will take proper order thereon, of which due notice shall be given to the House of Representatives. And the committee further recommend to the Senate that the Secretary of the Senate be directed to notify the House of Representatives of the foregoing resolution.

On motion of Senator Pickett, the rules were suspended and resolution adopted.

BILLS AND RESOLUTIONS.

By Senator Ruby: a bill (Senate bill No. 312) to be entitled "An act to authorize the Galveston, Harrisburg and San Antonio Railroad Company to unite or consolidate its railroad with connecting roads." Read first time and laid over under the rules.

By Senator Tendick: a bill (Senate bill No. 313) to be entitled "An act to repeal an act approved October 20, 1866, entitled 'an act supplemental to and amendatory of an act entitled an act to regulate proceedings in the district courts,' approved May 13, 1846." Read first time and referred to the Committee on Judiciary.

On motion of Senator Pridgen, the rules were suspended to take from file Senate joint resolution No. 16, "Joint resolution in relation to payment of salaries of district judges." Read second time.

On motion of Senator Pridgen, the following amendments reported by the Committee on Judiciary were adopted:

"Amendment to Senate joint resolution No. 16: amend line three of the resolution by inserting after the word 'authorized,' the words 'and required.'"

On motion of Senator Ruby, the following was added as section two:

SEC. 2. That this resolution take effect from and after its passage.

Senate joint resolution No. 16 was ordered to be engrossed and passed to a third reading.

On motion of Senator Pridgen, the rules were further suspended and Senate joint resolution No. 16 read third time and passed, by the following vote:

Yeas—Mr. President, Bowers, Cole, Dillard, Douglass, Flanagan, Ford, Fountain, Gaines, Hall, Hillebrand, Latimer, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby, Saylor, Shannon, Tendick—21.

Nays—Broughton, Dohoney, Evans, Pyle—4.

On motion of Senator Saylor, the rules were suspended to take from file Senate bill No. 254, a bill to be entitled "An act to incorporate the Texas Dental College." Read second time.

On motion of Senator Ruby, the following amendments reported by the Committee on Education were adopted:

Amend section one, in line twenty-four, after the word "and" insert the word "may;" also, in line twenty-eight, after the word "and" insert "may;" also, in line thirty, after word "necessary" insert "they shall have;" also, in line thirty-one, strike out the word "to" and insert "who shall;" also, in line thirty-three, strike out "to act and" and insert "may;" in section five, line three, strike out "to grant or confer to" and insert "confer on."

Senate bill No. 254 was ordered to be engrossed and passed to a third reading, as amended.

On motion of Senator Saylor, the rules were further suspended and Senate bill No. 254 read third time and passed.

Message from the House by Chief Clerk, transmitting for the signature of the President the following enrolled bills:

House bill No. 122, "An act for the relief of John McDonald."

House bill No. 313, "An act giving the consent of the Legislature of the State of Texas to the purchase by the United States of land within the State for public purposes."

House bill No. 397, "An act for the permanent location of the county site of Hamilton county."

Also, informing the Senate that the House had adopted the report of the Conference Committee on Senate bill No. 7, "An act to

authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement."

Also, for concurrence, House bill No. 393, "An act to amend section two of an act entitled 'an act defining lawful enclosures, and for other purposes,' approved March 16, 1840."

House bill No. 438, "An act to repeal a portion of an 'act to change the names of the counties of Cass and Buchanan,' approved December 17, 1861, and to designate the name of the so-called county of Davis."

Also, informing the Senate that the House had passed, without amendments, Senate joint resolution No. 7, "Instructing our Senators, and requesting our Representatives, in Congress, to urge the opening of the Indian country north of Texas to settlement."

Senate joint resolution No. 23, "Asking the Congress of the United States to pass an act giving a pension to the widow and minor children of Captain William W. Montgomery."

Senate bill No. 109, "An act to authorize J. F. Smith and J. Easley to erect a toll bridge over the mouth of Guthrie creek and the swamp channel of Grace's creek, in the county of Upshur, and State of Texas."

Senate bill No. 151, "An act to incorporate the city of Groesbeck, in Limestone county."

Senate bill No. 163, "An act to incorporate the Central Bank."

Senate bill No. 201, "An act to authorize the County Court of Robertson county to levy and collect a special tax for the term of two years, to build a court house and jail at Calvert, the county seat of said county."

Senate bill No. 250, "An act to authorize Henry W. Jones, his associates and successors to construct, own and keep a toll bridge on sulphur fork of Red River."

Senate bill No. 280, an act to be entitled "An act amendatory of an act entitled 'an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870, approved March 4, 1871."

Senate bill No. 247, "An act to provide for the release of children or other persons, citizens of the State of Texas, who are, have been, or may hereafter be held as captives by the Indians."

Enrolled bills signed by the President and returned to the House.

BILLS ON THIRD READING.

House bill No. 37, "An act to amend an act entitled 'an act to establish a State Police and provide for the regulation of the same,' approved July 1, 1870."

Pending a third reading, Senator Fountain moved a call of the Senate. Call sustained.

Absent—Senators Bell and Hertzberg.

Absent—excused—Senator Baker.

On motion Senator Hertzberg was excused on account of sickness.

On motion of Senator Cole, the Senate adjourned to 3 o'clock P. M.

AFTERNOON SESSION.

3 o'clock, P. M.

Senate met pursuant to adjournment; President Don Campbell presiding.

Roll called; quorum present.

Absent—excused—Senators Baker and Hertzberg.

Senator Rawson moved to adjourn to 10 o'clock A. M. to-morrow. Lost.

On motion of Senator Shannon, Senator Broughton was excused.

On motion of Senator Douglass, the rules were suspended to take from file Senate bill No. 302, a bill to be entitled "An act to incorporate the Upper Sabine Navigation Company." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Gaines, the rules were further suspended and Senate bill No. 302 read third time and passed.

On motion of Senator Evans, the rules were suspended to take from file House bill No. 237, "An act to incorporate the Collin County, Texas, Agricultural, Horticultural and Mechanical Association." Read second time.

On motion of Senator Evans, the rules were further suspended and House bill No. 237 read third time and passed.

On motion of Senator Ford, the rules were suspended to take from file Senate bill No. 278, "An act to incorporate the Waco Female College." Read second time.

On motion of Senator Gaines, the following amendments, reported by Committee on State Affairs, were adopted: No. 278, amend section one, line six, by inserting after the word "College" the words "for and in behalf of the Northwest Texas Annual Conference;" amend section eight, line six, by inserting after the word "therewith" the words "not exceeding five acres."

Senate bill No. 278 ordered engrossed and passed to a third reading as amended.

On motion of Senator Ford, the rules were further suspended, and Senate bill No. 278 read third time and passed.

On motion of Senator Fountain, the rules were suspended to take from file Senate bill No. 217, a bill to be entitled "An act to incorporate the town of Ysleta." Read second time.

Senator Ruby moved to strike out section 27. Carried.

Senate bill No. 217 ordered engrossed and passed to a third reading.

On motion of Senator Fountain, the rules were further suspended, and Senate bill No. 217 read third time and passed.

By leave, Senator Ford submitted the following reports from Committee on State Affairs :

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred, House bill No. 137, entitled "An act to incorporate the town of Palestine, in the county of Anderson," have carefully considered the same, and recommend its passage without amendment.

Respectfully,

S. W. FORD,
Chairman.

Read and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred House bill No 134, entitled "An act to amend 'an act to incorporate the town of Clarksville, Red River county,' approved January 31, 1852," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendments.

Respectfully,

S. W. FORD,
Chairman.

Amendments of Committee on State Affairs to House bill No. 134 : Amend section two, line seven, by striking out all after the word "corporation."

Reports read and laid over under the rules.

By leave Senator Fountain submitted the following report of Committee on Judiciary :

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 294, entitled "An act supplementary to an act entitled 'an act to incorporate the Rio Grande Railroad Company,' approved August 13, 1870," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Report read and laid over under the rules.

On motion of Senator Gaines, the rules were suspended to take from file House bill No. 214, "An act to incorporate the Washington County Banking and Insurance Company." Read second time.

Senator Gaines offered the following amendment, which was adopted: Amend by inserting after the name of "A. H. Rippetoe" the name of "Edward T. Randal."

On motion of Senator Gaines, the rules were further suspended, and House bill No. 214 read third time and passed.

On motion of Senator Tendick, the rules were suspended to take from file House bill No. 15, "An act to incorporate the Casino Society of Yorktown." Read second time.

On motion of Senator Pridgen, the following amendment, reported by Committee on State Affairs, was adopted: Amend by striking out all of "section two."

On motion of Senator Tendick, the rules were further suspended, and House bill No. 15 read third time and passed.

On motion of Senator Hillebrand, the rules were suspended to take from file House bill No. 33, "An act to incorporate the Austin Gymnastic Association." Read second time.

Senator Ruby moved to adopt the amendment reported by the Committee on State Affairs: Amend by striking out "section two." Lost.

On motion of Senator Ruby, the rules were further suspended, and House bill No. 33 read third time and passed.

By leave, Senator Fountain submitted the following report of Judiciary Committee:

COMMITTEE ROOM.
AUSTIN, April 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary to whom was referred House bill No. 6, "An act to incorporate the town of Fairfield, in Freestone county, instruct me to report the same back, and recommend its passage, with the following amendments:

Amend section two, line two, by inserting after the word "corporation" the words "at the next general election and every two years thereafter."

Amend section three by striking out the words "within sixty days after the passage of this act," in line three.

Amend section thirteen by striking out all after the word "passage," in line two.

A. J. FOUNTAIN,
Chairman.

On motion of Senator Hall, the rules were suspended to take from file House bill No. 6, "An act to incorporate the town of Fairfield, in Freestone county." Read second time.

On motion of Senator Hall, the amendments reported by the Committee on Judiciary were adopted.

On motion of Senator Hall, the rules were further suspended and House bill No. 6 read third time and passed.

On motion of Senator Latimer, the rules were suspended to take from file House bill No. 134, "An act to amend 'an act to incorporate the town of Clarksville, Red River county,' approved January 31, 1852." Read second time.

On motion of Senator Latimer, the following amendment reported by the Committee on State Affairs was adopted: amend section two, line seven, by striking out all after the word "corporation."

On motion of Senator Latimer the rules were further suspended, and House bill No. 134 read third time and passed.

On motion of Senator Mills the rules were suspended, to take from file House bill No. 107, "An act to incorporate the Agricultural, Mechanical and Blood Stock Association of Jasper, Texas." Read second time.

On motion of Senator Mills the rules were further suspended, and House bill No. 107 read third time and passed.

On motion of Senator Parsons the rules were suspended, to take from file House bill No. 109, "An act to incorporate the Houston Real Estate and Banking Company." Read second time.

On motion of Senator Parsons the rules were further suspended, and House bill No. 109 read third time and passed.

On motion of Senator Pettit the rules were suspended, to take from file House bill No. 137, "An act to incorporate the town of Palestine, in the county of Anderson." Read second time.

On motion of Senator Pettit the rules were further suspended, and House bill No. 137 read third time and passed.

On motion of Senator Pickett, the rules were suspended to take from file Senate bill No. 312, "An act to authorize the Galveston, Harrisburg and San Antonio Railroad Company to unite or consolidate its railroad with connecting roads." Read second time, ordered to be engrossed and passed to a third reading.

On motion of Senator Ruby, the rules were further suspended, and Senate bill No. 312 read third time and passed.

On motion of Senator Pridgen, the rules were suspended to take from file House bill No. 116, "An act to incorporate the Indianola Hook and Ladder Company No. 1, of the City of Indianola." Read second time.

On motion of Senator Pridgen, the rules were further suspended, and House bill No. 116 read third time and passed.

On motion of Senator Pyle, the rules were suspended to take from file Senate bill No. 268, a bill to be entitled "An act to incorporate the Texas Dental Association." Read second time, ordered to be engrossed and passed to a third reading.

On motion of Senator Pyle, the rules were further suspended, and Senate bill No. 268 read third time and passed.

On motion of Senator Rawson, the rules were suspended to take from file Senate bill No. 293, "An act to incorporate the Marshall Female College." Read second time.

On motion of Senator Pridgen, the amendments reported this morning by the Committee on Education were adopted, and the bill ordered to be engrossed and passed to a third reading as amended.

On motion of Senator Rawson, the rules were further suspended, and Senate bill No. 293 read third time and passed.

On motion of Senator Ruby, the rules were suspended to take from file Senate bill No. 261, "An act to encourage the emigration of communities of persons skilled in the arts of spinning and weaving cotton and wool, and in dying and printing fabrics of the same, from the several cities in Alsace and Lorraine." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Ruby, the rules were further suspended, and Senate bill No. 261 read third time and passed.

On motion of Senator Saylor, the rules were suspended to take from file House bill No. 119, "An act to incorporate the Hebrew Benevolent Association of Bryan, Texas." Read second time.

On motion of Senator Saylor, the rules were further suspended, and House bill No. 119 read third time and passed.

On motion of Senator Shannon, the rules were suspended to take from file House bill No. 113, "An act to incorporate the officers and members of Weatherford Lodge No. 77, I. O. O. F." Read second time.

On motion of Senator Shannon, the rules were further suspended, and House bill No. 113 read third time and passed, by the following vote :

Yeas—Mr. President, Cole, Dillard, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Hillebrand, Mills, Parsons, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—18.

Nays—Douglass, Evans, Latimer, Pettit, Shannon—5.

On motion of Senator Tendick, the rules were suspended to take from file House bill No. 389, "An act to incorporate the Indianola, San Antonio and El Paso Railroad Company." Read second time.

Senator Fountain offered the following amendment, which was lost : Amend lines ten and eleven by striking out the name of "A. J. Fountain" and inserting in lieu thereof the name of "D. R. Defenderfer."

Senator Pridgen offered the following amendment, which was lost : Amend, in section two, in seventh line, by inserting after the word "course" the words "by way of the towns of Goliad and Helena."

Senator Pridgen offered the following amendment. Amend section ten by striking out all after the word "pleasure in fourth line.

Yeas and nays called for and amendment lost by the following vote :

Yeas—Mr. President, Dillard, Evans, Gaines, Pettit, Pickett—6.

Nays—Cole, Dohoney, Douglass, Flanagan, Ford, Fountain, Hall, Hillebrand, Latimer, Mills, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—16.

Senator Pridgen offered the following amendment : Amend section sixteen by striking out in line four all after the word "at," down to the word "Indianola" in line five.

Yeas and nays called for, and amendment carried by the following vote :

Yeas—Mr. President, Dillard, Dohoney, Douglass, Evans, Flanagan, Ford, Gaines, Hall, Pettit, Pridgen, Rawson, Ruby, Shannon, Tendick—15.

Nays—Cole, Fountain, Hillebrand, Latimer, Mills, Pyle, Saylor—7.

Senator Ruby moved to reconsider the vote just taken. Carried.

Question being on the adoption of the amendment, the amendment was lost.

Senator Pridgen offered the following amendment: Amend section 19 by adding thereto, "*provided*, nothing contained in this act shall be so construed as to authorize the company to interfere with or disturb any rights or franchises heretofore granted to the Gulf, Western Texas and Pacific Railway Company."

Yeas and nays called for, and amendment lost by the following vote:

Yeas—Mr. President, Dillard, Dohoney, Douglass, Evans, Gaines, Pettit, Pridgen, Rawson, Shannon—10.

Nays—Cole, Flanagan, Ford, Fountain, Hall, Hillebrand, Latimer, Mills, Pyle, Ruby, Saylor, Tendick—12.

On motion of Senator Flanagan the rules were further suspended and House bill No. 389 read third time and passed.

On motion of Senator Flanagan the rules were suspended to take from file House bill No. 114, "An act to incorporate Jefferson City Street Railway Company."

Question being on the final passage,

Senator Flanagan moved to amend section one by striking out the names of "E. Marx, W. G. Robinson, C. W. Garland and T. B. Borst."

Amendment adopted.

On motion of Senator Flanagan, House bill No. 114 passed as amended.

By leave Senator Flanagan submitted the following report of the Committee on Internal Improvements:

COMMITTEE ROOM,
AUSTIN, April 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 142, "An act to incorporate the Galveston, Brenham and Fort Belknap Railroad Company," beg leave to report a substitute for same and recommend its passage

WEBSTER FLANAGAN.

Substitute Senate bill No. 142, "An act to incorporate the Brazos and Fort Belknap Railroad Company."

Report and substitute read first time and laid over under the rules.

On motion of Senator Rawson, the Senate adjourned to 10 o'clock A. M. to-morrow.